IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8900 of 1990

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.SHAH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

MANSUKBHAI S DHOKAI

Versus

STATE OF GUJARAT

Appearance:

MR YOGESH S LAKHANI for Petitioner

MR PREMAL JOSHI, AGP for Respondent No. 1, 2 & 3

MR GR SHAIKH for Respondent No. 4

CORAM : MR.JUSTICE M.S.SHAH

Date of decision: 25/04/2000

ORAL JUDGEMENT

In this petition under Articles 226 and 227 of the Constitution, the petitioner has challenged the order dated 3.9.1990 passed by the Additional Chief Secretary, Revenue Department (Appeals) of the State Government rejecting the petitioner's revision application against the order dated 29.8.1988 whereby the petitioner's request for allotment of a parcel of land in Survey No. 2/9 at village Dharampur in Ranavav Taluka was rejected.

By the impugned order, the revision application of respondent No. 4 was granted and the State Government directed the Collector to allot the land to respondent No. 4 for industrial purpose.

2. The petitioner's application for allotment of land in question was dismissed on the ground that the petitioner had made encroachment over the Government land and that the encroachment was required to be removed.

3. In the facts and circumstances of the case and in view of the material on record, it is not possible to interfere with the order of the State Government confirming the order of the Collector. However, the learned counsel for the petitioner states that the petitioner would like to make a representation to the Collector, Porbandar for allotment of another parcel of land.

4. Hence, while dismissing this petition, it is observed that it would be open to the petitioner to apply for allotment of another parcel of land and as and when the petitioner makes such an application, the authorities shall consider the same in accordance with law as expeditiously as possible.

5. Subject to the aforesaid observation, the petition is dismissed. Rule is discharged with no order as to costs.

April 25, 2000 (M.S. Shah, J.)
sundar/-